REMARKS

Upon entry of this amendment, claims 1-18 are all the claims pending in the application. By this Amendment, Applicant adds claims 13-18. Claims 13-18 are clearly supported through out the Specification (for example, Figs. 3-6; pages 18-19).

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

The Examiner has rejected claims 1-4, 6-10 and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,208,988 to Schultz (hereinafter "Schultz"). In addition, the Examiner rejected claims 5 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of U.S. Patent No. 6,272,484 to Martin et al. (hereinafter "Martin"). Applicant respectfully traverses these rejections in view of the following remarks.

I. Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-4, 6-10 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schultz. Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the comments, which follow. Of these claims only claims 1 and 7 are independent.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicants' claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Independent claim 1 recites a number of unique features not found in the prior art. For example, claim 1 recites: *meta-data described by definitions that each publisher providing said electronic article defines differently.* The Examiner asserts that claim 1 is directed to a device for electronic article search and is anticipated by Schultz. The Examiner asserts that Schultz's meta-data is equivalent to the meta-data as set forth in claims 1 (see page 2 of the Office Action). Applicant respectfully disagrees with the Examiner. Applicant has carefully studied Schultz's discussion of the meta-data with metadata fields, which is not similar to the meta-data described by definition that each publisher providing said electronic article defines differently as set forth in claim 1.

For example, an illustrative, non-limiting embodiment of the present invention discloses a single searching system for a plurality of electronic publishers. Each publisher has meta-data for each electronic article; however, there are no standards for defining meta-data. As a result, each publisher defines meta-data differently. For example, one publisher may provide an abstract for the article, another may skip it altogether, or one publisher may provide the article form and publication frequency, others may not. Similarly, one publisher may define a field of a meta-data to be the article's volume title, whereas another publisher may define this meta-data field an article's series title. An exemplary searching system absorbs all these different definitions of the meta-data and merges them into a single database, thereby, allowing the user to search for the needed article(s) without being conscious of these differences. This illustrative embodiment is provided by way of an example only and is not intended to limit the scope of the claims in any way.

Schultz teaches an information retrieval system capable of identifying most relevant information to a search query (col. 1, lines 30 to 45). This is accomplished by searching various publisher sources stored in the data center. In particular, the user enters a search query, which is communicated to the data center 110 (col. 3, lines 35 to 45). The data center searches a document index database 117, which contains a list of search terms corresponding to potential search terms which may appear in a search query (col. 4, lines 40 to 45). A list of document records is then sent to a query server, and the query server then analyzes metadata fields of each document record. These meta-data fields store a numerical score representing a degree of correlation between the stored document associated with the document record and a document theme. These numerical scores allows the system to provide the user with the most relevant documents (col. 8, lines 25 to 40).

The Examiner alleges that Schultz's meta-data is similar to the meta-data as set forth in claim 1. For support, the Examiner cites col. 1, lines 49 to 67 (see page 2 of the Office Action). Col. 1, lines 49 to 67 recites:

> A document record archive has a plurality of document records each of which is associated with a stored document. Each of the document records has a plurality of metadata fields each of which stores a numerical score representing a degree of correlation between the stored document associated with the document record and a document theme, wherein the document theme corresponds to a subject, person or place associated with the stored document. A results list is retrieved in response to the search query, the results list is formed of document records each of which is associated with the search query. A composite theme score is determined for each document theme represented by the metadata fields in the document records in the results list. Each of the plurality of composite theme scores is compared to a

> threshold. Each composite theme score that exceeds the threshold is identified as a major theme score, and the document theme associated with the major theme score is selected as a query theme associated with the search query, emphasis added.

However, this passage suggests just the opposite. Each document record has a plurality of metadata fields, each of which stores a numerical value representing correlation between the document and a theme. The theme can be a subject, person or a place. In this passage, there is no indication that meta-data definitions are described differently for each document record. Moreover, in this passage there is no mention of different publishers. In short, this passage fails to disclose meta-data definitions as set forth in claim 1.

Moreover, Applicant respectfully points out that Schultz teaches using the same definitions for the meta-data of each record. Schultz teaches an individual data record formed of a header 400a, and metadata fields 400b, 400c and 400d. Metadata field 400b stores a numerical score representing the degree of correlation between the stored document associated with the document record and a particular subject (e.g. sports, politics, entertainment, etc.). Metadata field 400c stores a numerical score (a count) representing a number of times a given person is mentioned in a document and metadata field 400d stores a numerical score (a count) representing a number of times a given place is mentioned in the document record. Thus, the more often a person or place is mentioned in the document, the higher the count will be (col. 11, line 40 to col. 12, line 18).

In short, Schultz predefines the meta-data fields of a document record to be <subject>, <person>, <location> (400b, 400c and 400d). Schultz fails to disclose having a database where

one record may have metadata definitions <theme> <name> <place> and another record would have metadata definitions <subject> <person> <location>. In Schultz, the metadata fields are predefined by 400b, 400c, and 400d. These definitions are the same for each document record stored in Schultz's database. In addition, Schultz only teaches collecting files from various publisher sources (col. 2, lines 57 to 60) and creating metadata for the collected files described by <subject>, <person> and <location>. Schultz fails to teach or suggest having different definitions for the meta-data depending on the publisher of the document.

Therefore, *meta-data described by definitions that each publisher providing said electronic article defines differently*, as set forth in claims 1 is not disclosed in Schultz, which lacks having meta-data being defined differently depending on the publisher. For at least these reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Schultz. Applicant therefore respectfully requests the Examiner to reconsider and to withdraw this rejection of independent claims 1. Also, Applicant respectfully submits that claims 2-4 and 6 are allowable at least by virtue of their dependency on claim 1.

Next, Applicant respectfully traverses this rejection with respect to claim 7, which recites similar features to the features argued above with respect to claim 1. Since claim 7 contains features that are similar to the features argued above with respect to claim 1, those arguments are respectfully submitted to apply with equal force here. For at least substantially the same reasons, therefore, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 7 and its dependent claims 8-10 and 12.

II. Claim Rejections under 35 U.S.C. § 103(a)

Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of Martin. Applicant respectfully traverses this rejection with respect to the dependent upon claim 1, claim 5 and dependent upon claim 7, claim 11. Applicant has already demonstrated that Schultz does not meet all the requirements of independent claim 1. Martin is relied upon only for its teaching of SGML and XML (see page 4 of the Office Action). Clearly, Martin fails to cure the deficient teachings of Schultz.

Moreover, one of ordinary skill in the art confronted with the problem of creating a system for effective and most productive searches would never have turned to the reference such as Martin. Martin teaches an information exchange system (saving the viewed webpage at a particular point in time and being able to send this saved web page to another user). Martin is not related to searches.

In short, Martin does not compensate for the above-identified deficiencies of Schultz. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1 or claim 7. Since claim 5 depends on claim 1 and claim 11 depends on claim 7, they may be patentable at least by virtue of their dependency.

III. New Claims

In order to provide more varied protection, new claims 13-18 are added. Claim 13 is clearly patentable over the prior art cited by the Examiner at least because of its feature of meta-